Case IPR2016-00820 U.S. Patent No. 7,064,197 UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOLOGIC, INC., Petitioner

v.

ENZO LIFE SCIENCES, INC., Patent Owner

Case IPR2016-00820

U.S. Patent No. 7,064,197 TITLE: SYSTEM, ARRAY AND NON-POROUS SOLID SUPPORT COMPRISING FIXED OR IMMOBILIZED NUCLEIC ACIDS Issue Date: June 20, 2006

DECLARATION OF GREGORY BUCK, Ph.D.

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	А.	 A. Fish Does Not Anticipate Any Of Claims 1, 6, 8, 9, 12, 13, 14, 15, 16, 27, 32, 33, 34, 41, 61, 62, 63, 69, 70, 72, 73, 74, 79, 100, 191, 193, 194, 212, 213, 219, 222, 225, 226, 227, 230, 233, Or 236. 		
		1.	Fish Does Not Involve Nucleic Acid Hybridization Detection Technology	
		2.	Fish Does Not Disclose Single-Stranded Nucleic Acid Strands Fixed Or Immobilized To A Non-Porous Solid Support	
		3.	Fish Does Not Disclose Single-Stranded Nucleic Acids Fixed Or Immobilized To A Non-Porous Solid Support In Hybridizable Form	

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	i.	Fish Does Not Unavoidably Teach Single-Stranded Nucleic Acids That Are Capable of Hybridization43	
	ii.	The Hybridization Described In Diehl Is Not Applicable To Fish	
	iii	. The '197 Patent Prosecution History Does Not Support Petitioner's Inherency Theory	
E.	. Fish, Standing Alone, Does Not Render Obvious Any Of Claims 31, 64, 68, 101, 192, Or 195		
	Im Ac Se	sh Does Not Teach Or Suggest A Fixed Or mobilized Nucleic Acid That Comprises A Nucleic cid Sequence Complementary To A Nucleic Acid equence of Interest Sought To Be Identified, Quantified r Sequenced	
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H.	 VPK Does Not Anticipate Any Of Claims 1, 6, 8, 9, 12, 13, 14, 15, 27, 31, 32, 34, 61, 62, 63, 68, 69, 70, 72, 74, 79, 100, 191, 192, 193, 194, 213, 219, 226, 227, Or 236. 		
	1. In	dependent Claims 1, 6, 8, 9, 12, 13, 14, 15, And 27118	
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4.	Dependent Claims 32, 34, 61, 62, 63, 69, 70, 72, 74, 100,	
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I. Noyes In View Of VPK And Ramachandran Does Not Render Obvious Any Of Claims 16, 38, 64, 78, 101, 195, 218, 222, Or 230. 131

J.	VPK In View Of Metzgar Does Not Render Obvious Any Of	
	Claims 33, 41, 73, 212, 225, Or 233.	.142

K. Secondary Considerations of Non-Obviousness......146

I. INTRODUCTION

I, Gregory Buck, Ph.D., a resident of Richmond, Virginia over 18 years of age, hereby declare as follows:

1. I have personal knowledge of all of the matters about which I testify in this declaration.

2. Desmarais LLP retained me on behalf of Enzo Life Sciences, Inc. ("Enzo") to provide my technical opinions and testimony about claims 1, 6, 8, 9, 12, 13, 14, 15, 16, 27, 31, 32, 33, 34, 38, 41, 61, 62, 63, 64, 68, 69, 70, 72, 73, 74, 78, 79, 100, 101, 191, 192, 193, 194, 195, 212, 213, 218, 219, 222, 225, 226, 227, 230, 233, and 236 of U.S. Patent No. 7,064,197 (Ex. 1001, "the '197 Patent"). I refer to those claims as the "challenged claims."

3. I am being compensated for my work in this proceeding and receiving reimbursement for expenses incurred in the course of my work. My compensation is not contingent in any way on either the opinions I have reached or the outcome of this case.

4. I was also retained on behalf of Enzo to provide technical opinions and testimony on infringement and validity issues regarding the '197 Patent in certain district court cases. I have provided an expert report and/or export testimony in the following matters: *Enzo Life Sciences, Inc. v. Agilent Technologies Inc.*, Civil Action No. 1:12-cv-434 (D. Del.); *Enzo Life Sciences, Inc.*

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